

Employee Concerns Program 2004 Annual Activity Report



**Office of Economic Impact & Diversity
Office of Civil Rights & Diversity**



**U.S. Department of Energy
October 2005**

Message from the Director

We are pleased to provide you with a copy of the DOE Employee Concerns Program Annual Activity Report for calendar year 2004. The Employee Concerns Program (ECP) handles concerns filed by employees on a variety of topics ranging from health and safety to waste, fraud and abuse. This report, issued for the ninth consecutive year, provides an overview of important activities and progress made during the year in advancing the work and mission of the Employee Concerns Program.

In December 2004, the Employee Concerns National Program Office was transferred to the Office of Civil Rights and Diversity (OCR). Despite various personnel changes and program consolidations since that time -- both at Headquarters and in the Field -- well over 1000 employees used the DOE Employee Concerns Program across the complex in 2004. These employees filed 623 new concerns. Approximately 71% of the total numbers of concerns opened during 2004, including the 104 carry-over concerns from 2003, were closed before the end of 2004. 2004 marked the third highest number of concerns filed by employees in a year since establishment of the ECP.

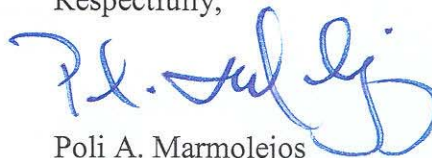
The increased number of employees utilizing the Employee Concerns Program is further evidence for the continued need for a vibrant, healthy and pro-active ECP program at DOE. With reorganizations, consolidations, competitive sourcing, and stepped up activities to ensure the safety of our Nation and the environment, we can expect the level of concerns raised by employees in the days ahead to remain high. We know that the ECP managers -- with the support of Secretary Bodman and their immediate managers and supervisors -- are ready to meet the continued challenge.

In an effort to provide more uniformity, policy support and guidance, our office will seek to work more closely with the Field ECPs. With the expected establishment of additional employee concerns contractor programs across the complex, we will also champion, promote and support the ECP throughout DOE and at the highest levels of the Department. Despite the many challenges that we face ahead, we know that, working together, we can succeed in developing a climate that encourages the free and open expression of employee concerns throughout DOE.

The ECP has enjoyed a high level of success in the past under Bill Lewis' stewardship of the program. We look forward to building on that success so that DOE and its employees can continue to have an alternative process to resolve issues of concern to them in a constructive, fair and timely manner.

We look forward to receiving any feedback regarding this report, as well as suggestions for how we can improve both the report and the DOE ECP program. A special thanks to Diane Saylor of the Savannah River ECP, Julie Goekner and Mara Willick of the Office of Radioactive Waste Management (OCRWM), and Cynthia Brawner-Gaines and Bill Lewis from Headquarters, for their contribution and assistance in producing this report. For more information about the ECP and Field Office locations, visit us at <http://civilrights.doe.gov> or contact our office at (202) 586-2218.

Respectfully,



Poli A. Marmolejos
Director, Office of Civil Rights and Diversity

I want each and every employee at the Department to know that your personal safety and security is extremely important to me."

Secretary of Energy Samuel W. Bodman
May 13, 2005 Forrestal Address

SECTION I. OVERVIEW

➤ Introduction

Secretary of Energy Samuel Bodman has made it clear that it is the policy of DOE that employees have the right and responsibility to report concerns relating to the environment, safety, and health (ES&H), security, or management of DOE operations. Employees also have the right to receive a timely investigation and resolution of their concerns, and protection from reprisal or retaliation as a result of reporting their concerns.

The primary mission of the Employee Concerns Program is to fulfill the Secretary's commitment to create an environment where employees are free to raise concerns without the fear of reprisal or retaliation. This is accomplished by providing the necessary leadership, policy guidance, and assistance to operations and field office ECPs throughout DOE. The ECPs have continued to operate in a consistent manner that strives to ensure that employee concerns are addressed in a full, fair, and timely manner, while involving management and the employees in the resolution process to the maximum extent possible.

➤ Employee Concerns Program Activities

Despite funding and staffing constraints, a concerted effort was made to have at least one Employee Concerns Managers Meeting during calendar year 2004 where everyone could attend. Such a meeting was held in Las Vegas in May 2004 and, in addition to the usual manager's reports and sharing of 'best practices,' the managers heard presentation regarding the Yucca Mountain Project, and the ADR Program. In addition, the managers heard from a contractor from BWXT at Oak Ridge.

The ECP Managers were also encouraged to attend, where possible, the semi-annual Employee Concerns Forum meetings. The Department of Energy has been active in these meetings the past two years with presentations and panels to this group, which represents the largest meeting of employee concerns professionals in the country. To complement these meetings, several televideo conferences were held during the year, which helped keep costs down but also provided a way for the Employee Concerns Managers to share information and recent developments.

➤ Employee Concerns Program Tracking System

During 2004, the Office of Employee Concerns, in collaboration with the OCRWM (Yucca Mountain) ECP, continued to collect and consolidate quarterly ECP data using a standardized tracking spreadsheet. The Assistant Secretary for Environment, Safety, and Health (EH-1) cited this information, now compiled for over nine years, as extremely valuable to that office in assessing the Department's Integrated Safety Management (ISM) process.

➤ Field Employee Concerns Program Activities

Field ECPs achieved a number of successes in 2004. As noted in Section II of this report, ECPs closed out 71% of the caseload of 727 concerns on hand during the year. We note that 54% of concerns that were subject to review were fully or partially substantiated, dramatically up from 37% in 2003. As in previous years, most concerns were resolved through the action of the ECP offices, often working in conjunction with appropriate DOE program offices at the sites.

The following example of a situation handled by a field ECP office reflect many of the key elements of a successful ECP: employees first worked within existing systems; the DOE ECPs were available where concerns had not been fully resolved; and DOE ECP personnel, working with DOE and contractor personnel, took steps to identify and resolve the concerns and ensure that health and safety issues were fully reviewed.

The Employee Concerns Program received a concern originally filed with the Inspector General's Office. A contractor, who operated a truck, was told that a dumpster "containing beryllium needed to be packed up." The contractor employee was also told the beryllium level should be "way below minimum standards" but the employee was concerned and encouraged to seek further safety information, if necessary. A subsequent meeting and an examination of the dumpster's contents found "danger tags" attached to large ceiling tiles containing beryllium that were wrapped in plastic and taped at the end. The information the employee learned at the meeting, coupled with the warnings on the tags, prompted the employee to be concerned for his health.

The employee contacted the Employee Concerns Office and a subsequent investigation resulted in the removal of the dangerous material from the dumpster, utilizing a disposal procedure to minimize worker exposure to beryllium. The Employee Concerns Office addressed the employee's health and safety concerns by ensuring the following corrective actions were taken:

- *An Industrial Hygienist met with the concerned employee and co-workers to discuss beryllium hazards, and the concerned employee was offered the opportunity to enroll in a beryllium medical monitoring program;*
- *The contractor was directed to conduct a job hazard analysis of truck capacity and cleaning operations, and to implement appropriate controls during these operations;*
- *The contractor was directed to collect surface wipe samples of the two trucks involved in this procedure, analyze them for beryllium, interpret the results, and share the results with employees;*
- *The contractor agreed to distribute "lessons learned" throughout the DOE complex; and*

- The contractor agreed to revise their Chronic Beryllium Disease Prevention Program to clarify requirements and specify segregation for transportation/disposal of beryllium waste.

The concern was substantiated and the contractor response to the issues raised in the investigation were deemed to adequately address the concerned employee's issues, and adequate to prevent recurrence. The corrective actions were tracked in a formal tracking system to completion and closure by the Employee Concerns Program Manager.

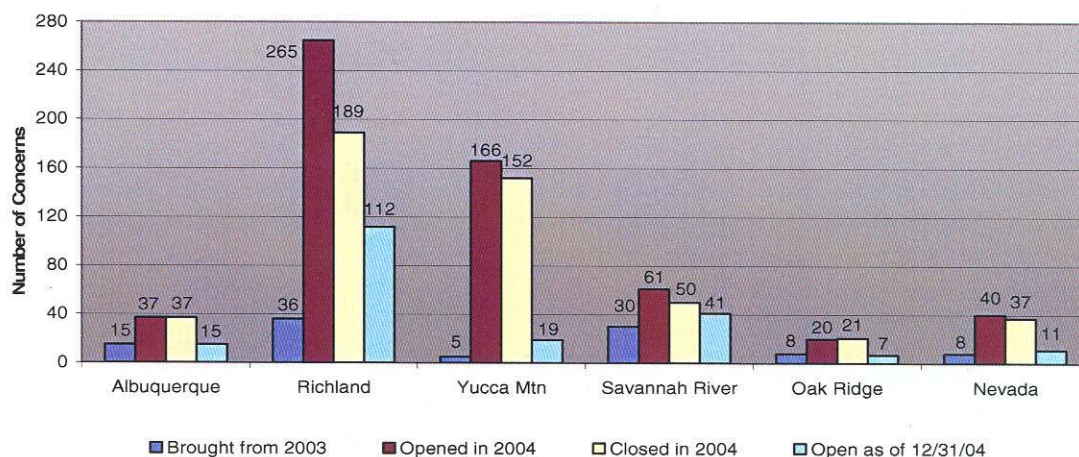
SECTION II. EMPLOYEE CONCERNS PROGRAM STATISTICAL DATA

A. Receipt and Disposition.

The data collected reflects concerns filed with the DOE ECP offices for calendar year 2004. It does not contain data relating to concerns, allegations, or complaints filed directly by employees with other offices, such as the Office of Inspector General, Office of Civil Rights, Office of Environment, Safety and Health, or through contractor ECPs or other grievance procedures.

The DOE ECP offices began 2004 with a total of 104 concerns that had not been closed out in 2003. During 2004, a total of 621 new concerns were opened and two previously closed concerns were reopened. The DOE ECP offices closed 516 concerns, leaving 211 open at the end of 2004. The charts below show the employee concerns activities at the major DOE field elements with respect to the processing of employee concerns in 2004. The figures for "Open" concerns refer to concerns that were either newly opened or reopened in 2004.

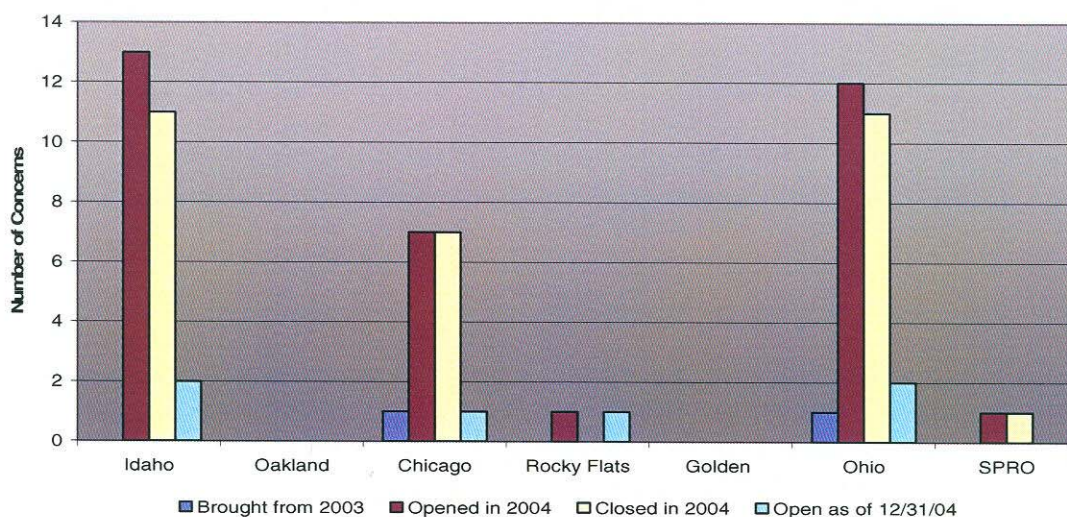
**Figure 1. Disposition of Concerns by Field Element
(Larger Offices)**



All DOE ECP managers routinely meet with contractor ECP representatives and coordinate efforts to resolve concerns at the lowest level possible. In addition, a variety of dispute resolution processes have been instituted by DOE and contractors, including ombudsperson programs, training a cadre of mediators, and joint labor-management partnerships for the resolution of issues. The

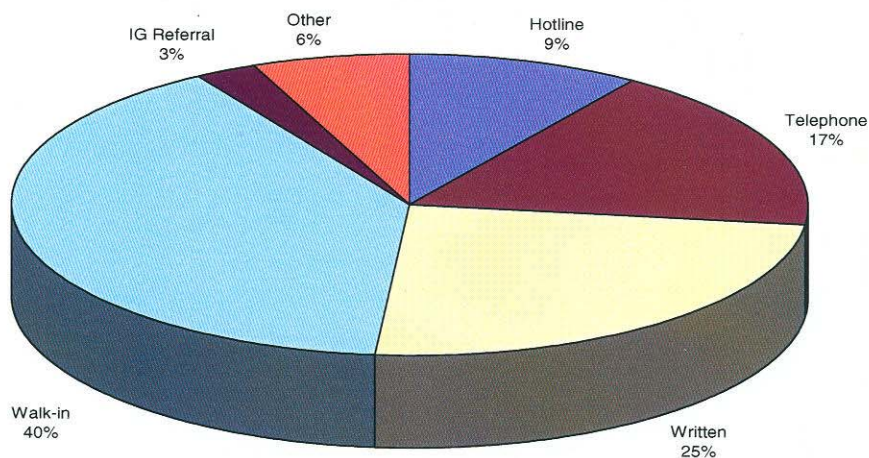
success of these programs is helping to meet one of the primary goals of the DOE ECP – to improve the responsiveness of management to concerns raised by their employees.

Figure 2. Disposition of Concerns by Field Element (Smaller Offices)



Sources of Concerns. There are many avenues through which concerns are presented to ECPs. In general, the methods by which concerns were submitted to the ECPs include: written submissions (153; 25%), hotline calls (59; 9%), telephone calls (108; 17%), walk-ins (247; 40%), and referrals from the OIG (16; 3%). The remaining 40 concerns (6%) were received from other DOE offices, Federal or state agencies, or other miscellaneous sources.

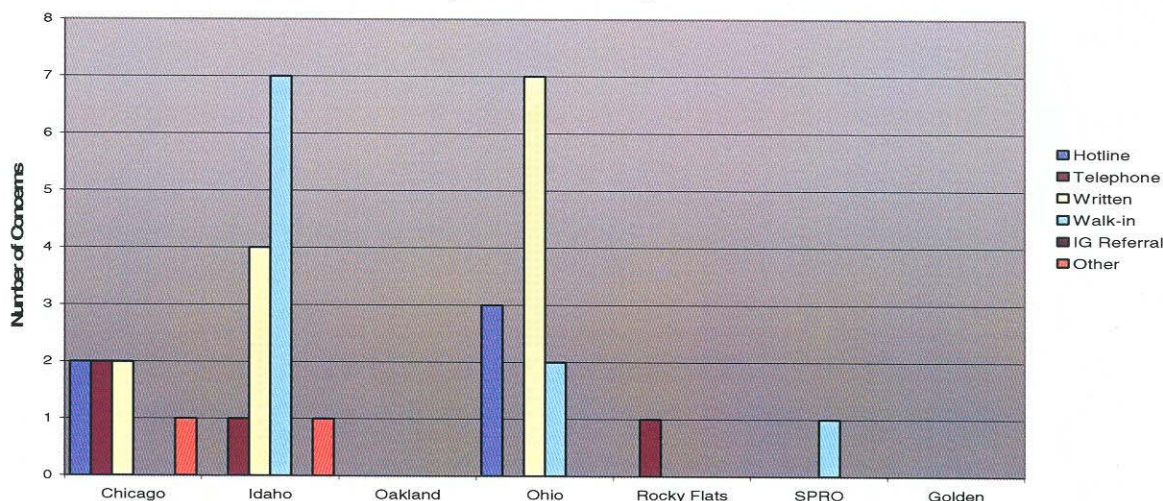
Figure 3. Sources of Concerns (All Offices)



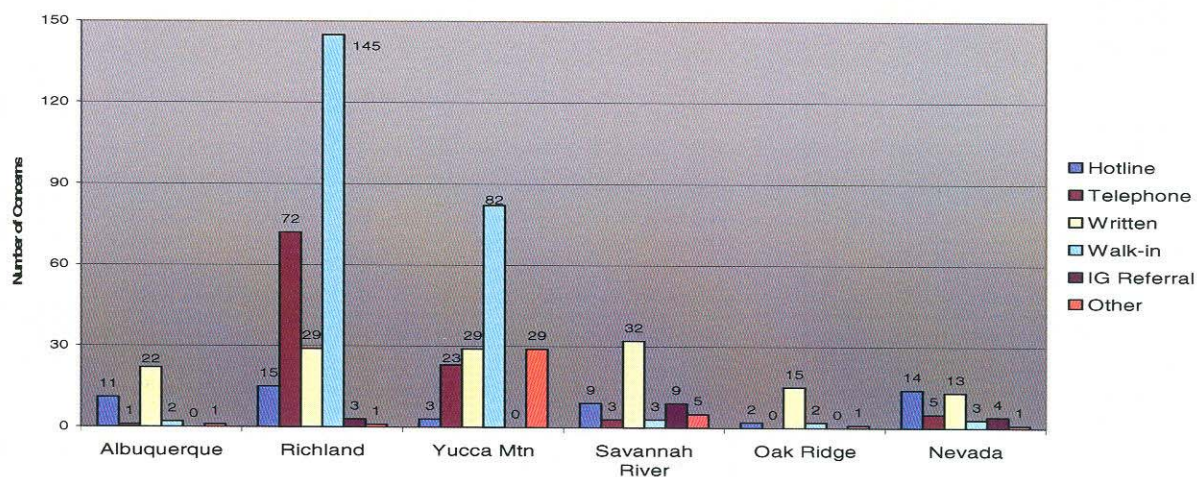
Written concerns were the most prevalent method used in Albuquerque, Oak Ridge, Savannah River, and Ohio. In Nevada, the preference was the ECP hotline. Walk-ins were the predominant method used in Idaho, Richland, Yucca Mountain, and Strategic Petroleum Reserve Office (SPRO). The Chicago ECP received the same number via the ECP hotline, telephone, and written submission. Rocky Flats received its concern via telephone. Savannah River received the majority

of the referrals from the OIG, accounting for 9 of the 16 in that category. Referrals from the OIG were also processed by Richland and Nevada.

**Figure 4. Sources of Concerns
(Smaller Offices)**



**Figure 5. Sources of Concerns
(Larger Offices)**



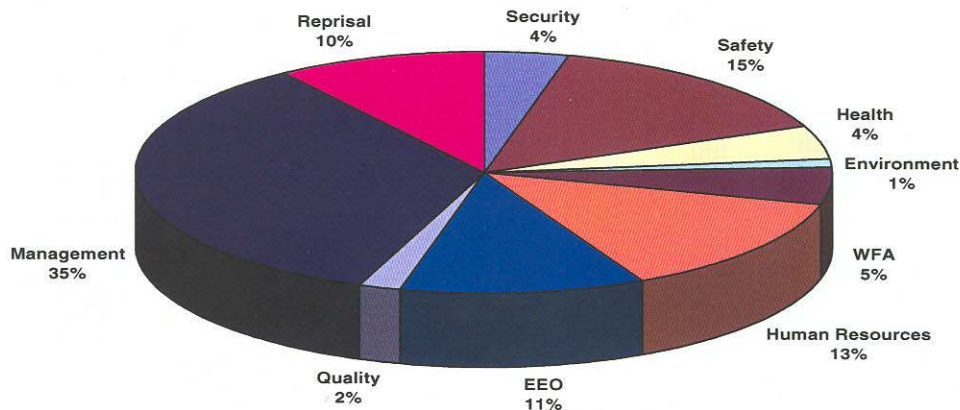
Categories of Concerns. Three issue categories accounted for 401 of the 623 new concerns (68%): ES&H (119; 20%); human resources (79; 13%); and management/mismanagement (203; 35%). Some examples of the types of concerns that are included in these categories:

- ❖ ES&H – hoisting and rigging; training; protective equipment; lockout/tagout; fire equipment; fire department; ambulance; Price Anderson Amendment Act violations; release of toxic materials into air, water, or soil; heat stress; industrial hygiene; radiological exposure; non-radiological exposure.
- ❖ Human Resources – union relations; employee assistance program; Merit Systems Protection Board cases; personal grievance; contractor relations; policies/procedures; staffing; hiring;

termination; workforce restructuring/downsizing; awards/appraisals; promotion; selection; position qualification; overtime; and training.

- ❖ Management/Mismanagement – re-engineering; policies and procedures; management practices; project management; standards of conduct; and ethics.

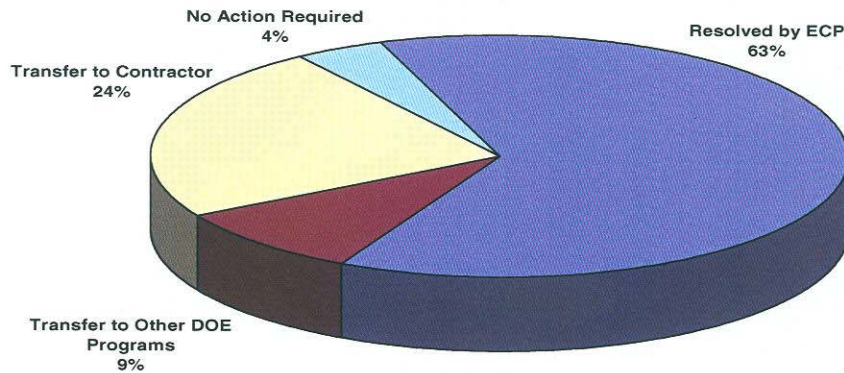
Figure 6. Categories of Concerns Received



In 2004, management/mismanagement concerns were the largest category, at 35% of the total, an increase from 27% in 2003. ES&H concerns decreased from 26% in 2003 to 20% in 2004 and human resources concerns decreased from 20% to 13%. Increases have occurred in the categories of reprisal and EEO issues for two consecutive years.

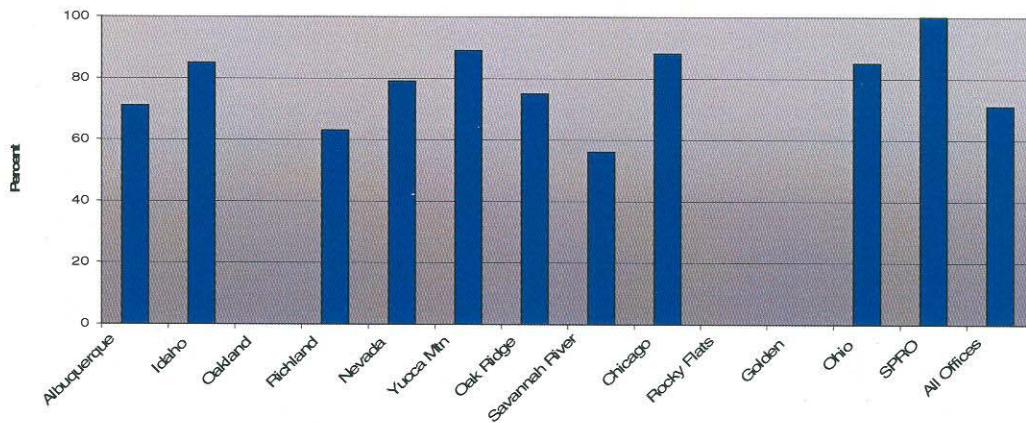
Closing Concerns. Concerns closed by ECPs include those processed solely by the ECP offices themselves, as well as those closed by the ECP offices after they had received evaluations of the concern from offices to which the concerns were referred. A concern is considered closed by transfer, however, when it is sent to another office or organization that has primary responsibility for the subject matter of the concern. The statistics shown in Figure 7 distinguish between concerns transferred within DOE and those transferred to contractors. Although transferred concerns generally require no further action by ECP offices, ECP Managers usually request information on actions taken where follow-up activities were necessary.

Figure 7. Disposition of Concerns



As shown in Figure 7, 325 concerns (63% of closed concerns) were resolved by the ECP offices, while 47 concerns (9%) were transferred to offices within DOE for resolution. One hundred twenty-three concerns (123; 24%) were transferred to contractors for resolution; 21 concerns (4%) required no action. A total of 516 concerns were closed during 2004, representing 71% of all concerns open during the year. Figure 8 shows the percentage of concerns closed by field element ECPs, as well as the overall closure rate.

Figure 8. Percentage of Concerns Closed (by Field Element)

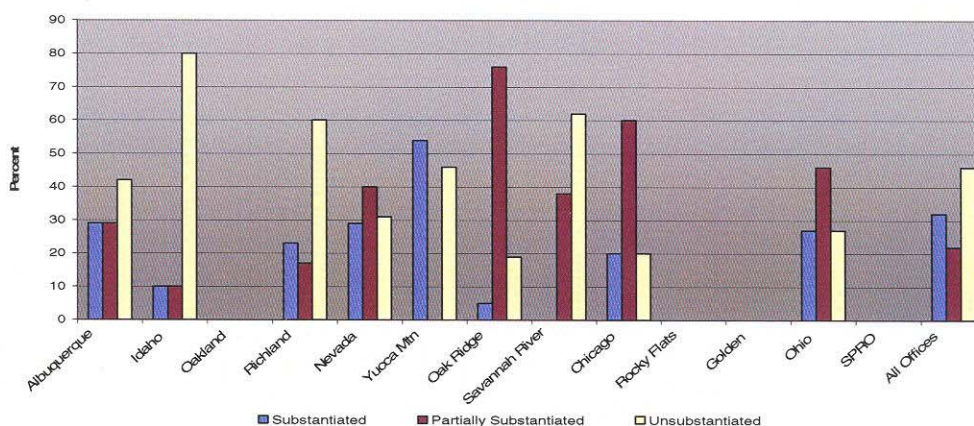


Level of Substantiation of Concerns. Since 1996, data has been collected to show the extent to which concerns submitted were substantiated. Four categories were available for reporting this data: substantiated, partially substantiated, unsubstantiated, or no review. In 2004, the latter category primarily reflected concerns where the nature of the concern was not subject to factual substantiation, such as those where Alternative Dispute Resolution (ADR) was used, or the concerns were outside of the jurisdiction of the ECPs.

As shown in Figure 9, 54% of concerns that were subject to review or investigation were fully or partially substantiated. These figures are indicative of a process that is providing full and fair

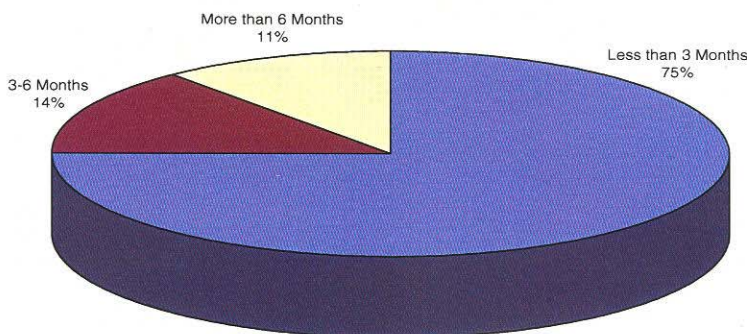
review of employee concerns. The 2004 substantiation rates for each field element ECP are also shown.

Figure 9. Rate of Substantiation



Age of Open Concerns. Data has been collected to reflect the age of concerns that remained open at the end of 2004. Of the 211 concerns that remained open at the end of the year throughout the DOE complex, 157 concerns (75%) had been open less than three months, 30 concerns (14%) had been open between three and six months, and 24 concerns (11%) had been open more than six months. A review of the concerns that have been pending for more than six months indicated that many involved issues that, by their nature, required more time to investigate and close.

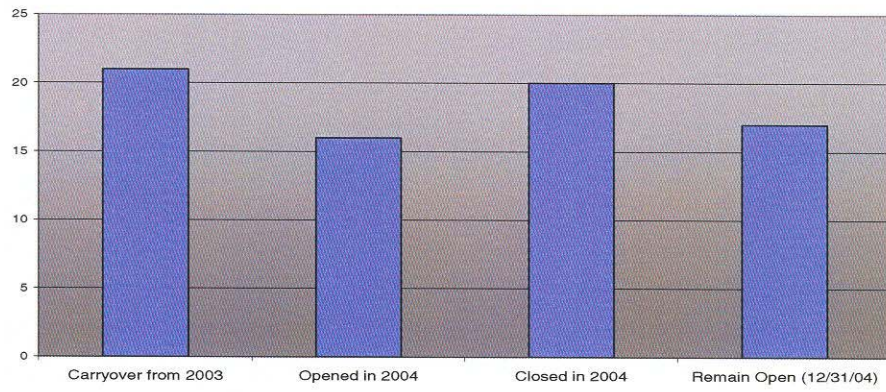
Figure 10. Age of Concerns



Status of Complaints Filed Under the Department's Contractor Employee Protection Program. The Department's Contractor Employee Protection Program, found in Part 708 of Title 10, Code of Federal Regulations (10 CFR 708), is under the jurisdiction of the Office of Hearings and Appeals; however, the ECP offices have responsibility for initial processing and seeking informal resolution of the concerns as the first step of complaint processing.

Twenty-one complaints were carried over from 2003 and 16 new complaints were received in 2004. Twenty complaints were closed during 2004, leaving 17 complaints open at the end of the year.

Figure 11. Reprisal Complaints

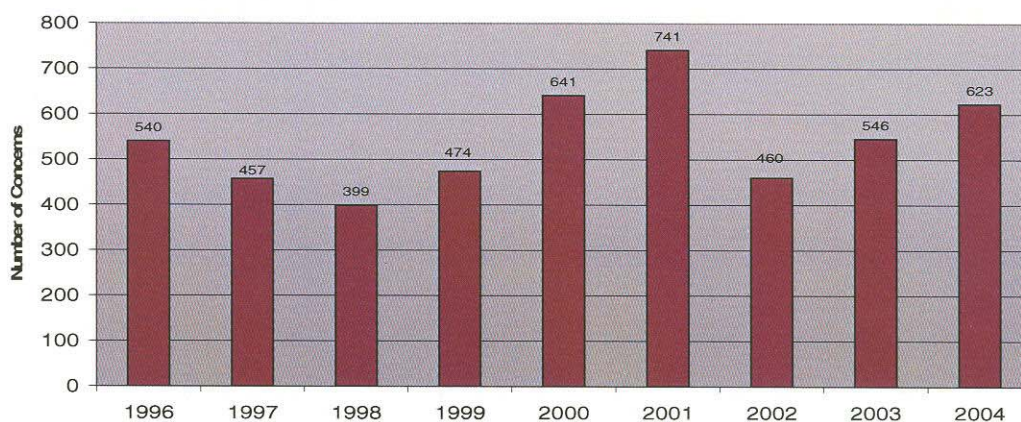


B. Employee Concerns Program Trends – 1996-2004

Because ED has been tracking this data complex-wide for nine years, these ECP Activity Reports are able to review trends over a period of time, which provide insightful information to senior management. Four areas of interest in terms of trends are: (1) number of concerns received, (2) category of concerns received, (3) timeliness of concerns processed, and (4) rate of resolution.

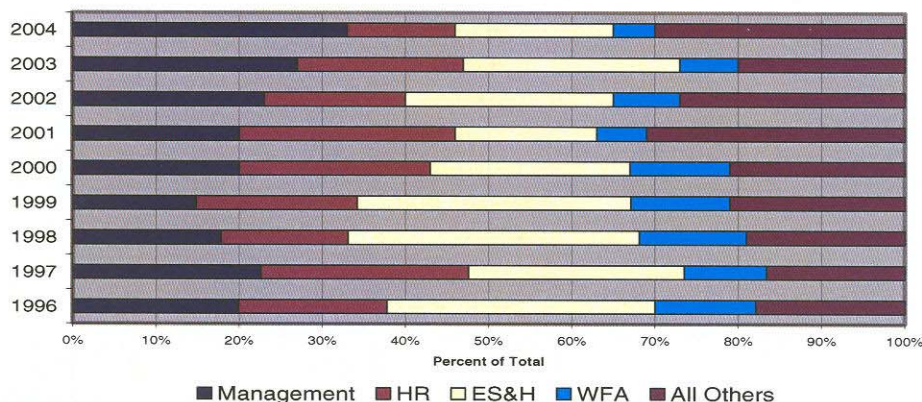
Number of Concerns Received. The number of new concerns opened by the ECP offices in 2004 increased from 546 to 623, 77 more than were opened in 2003. Figure 12 reflects the trend since 1996.

Figure 12. Number of Concerns Received



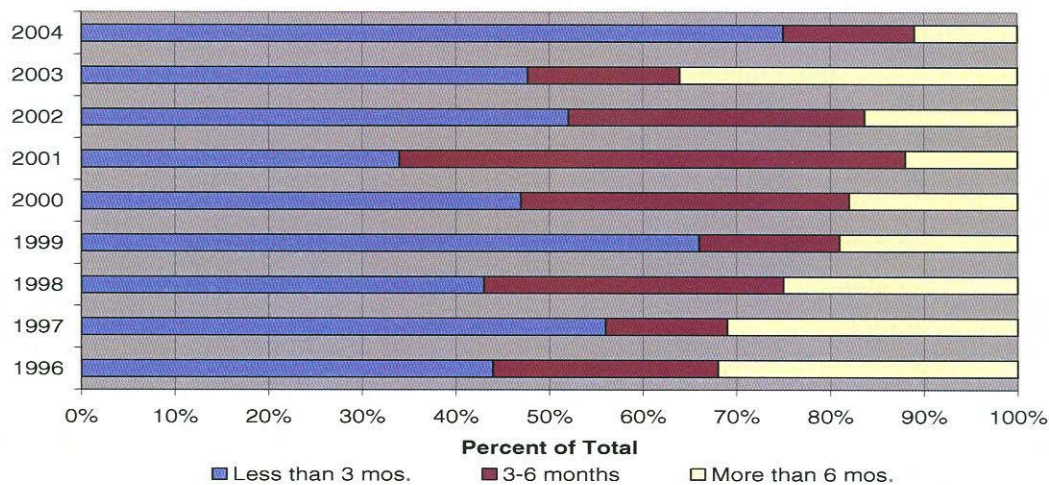
Category of Concerns Received. During 2004, the data reflected a noteworthy increase in receipt of management concerns (61 more than in 2003) resulting in the third highest number of concerns filed in one year since we began tracking this data complex-wide. At the same time, there were decreases in human resources (-23) and ES&H concerns (-27), as compared to 2003.

Figure 13. Comparison of Major Concern Categories



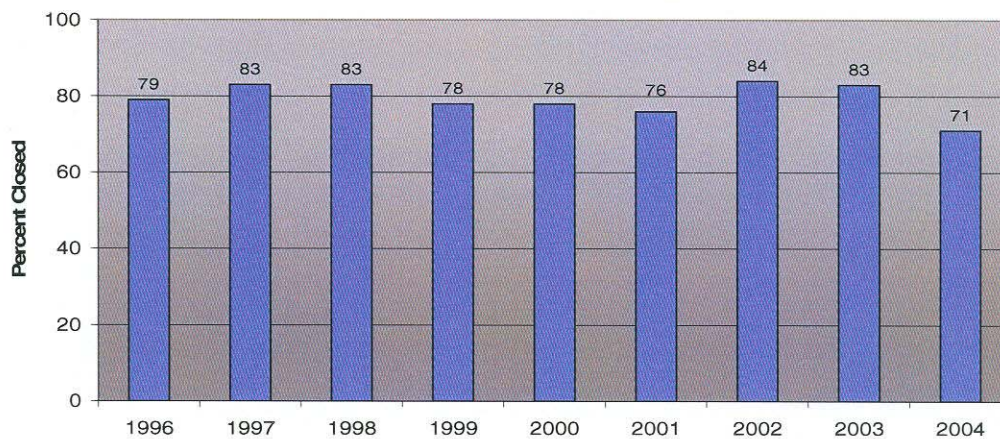
Timeliness of Concerns Processed. Because concerns which are not promptly resolved tend to remain in the system for long periods of time and the associated costs for the agency, as well as for the employee, are often very high, a reduction in the number of concerns open for six months or longer has been a goal of the ECP offices. Significant improvements have been made in the timeliness of concerns processing, as evidenced by the fact that 75% of all concerns remaining open at the end of 2004 had been in the system less than three months.

Figure 14. Timeliness of Concerns Processed



Rate of Resolution. One measure of overall effectiveness of the ECP offices is the rate in which concerns are resolved and closed out. That rate is affected by many factors, including total number of concerns received during a calendar year, size of ECP staff to process concerns, and effectiveness of internal processes. Figure 15 reflects the resolution rate of the total number of concerns that were open during each calendar year since 1996. The resolution rate of 83% in 2003 dropped 12 percentage points to 71% in 2004, the lowest since ED has been keeping statistics.

Figure 15. Resolution Rate



APPENDIX A

Employee Concerns Program Contacts

ORGANIZATION	CONTACT	TELEPHONE	EMAIL
DOE HEADQUARTERS	Poli Marmolejos	(202) 586-2218	Poli.marmolejos@hq.doe.gov
	William Lewis	(202) 586-6530	bill.lewis@hq.doe.gov
Office of Dispute Resolution	Kathy Binder	(202) 586-6972	kathleen.binder@hq.doe.gov
	Pam Pontillo	(202) 586-4002	pamela.pontillo@hq.doe.gov
Albuquerque	Eva Glow Brownlow	(505) 845-5113	ebrownlow@doeal.gov
	Lorraine Cano	(505) 845-4411	lcano@doeal.gov
Amarillo	Brenda Findley	(806) 477-3120	bfindley@pantex.doe.gov
Chicago	Kris Winiarski	(630) 252-2299	kris.winiarski@ch.doe.gov
Idaho	Jan Ogilvie	(208) 526-1062	ogilvije@id.doe.gov
Nevada	Sara Rhoades	(702) 295-7843	rhoades@nv.doe.gov
Oak Ridge	Rufus Smith	(865) 576-4988	SmithRH@oro.doe.gov
Yucca Mountain (OCRWM)	Julie Goeckner	(702) 295-2694	julie.goeckner@ymp.gov
Ohio – EM Consolidated Business Center	Bartley Fain	(513) 246-0468	Bartley.fain@emcbc.doe.gov
Richland	Stan Branch	(509) 376-9450	stanley_o_branch@rl.gov
Richland - Office of River Protection	Patrick Carrier	(509) 376-3574	patrick_p_carier@orp.doe.gov
Rocky Flats	Richard Schassburger	(303) 966-4888	richard.schassburger@rf.doe.gov
Savannah River	Dianne Saylor	(803) 952-8515	Dianne.saylor@srs.gov
SPRO	JoAnn Rochon	(504) 734-4731	joann.rochon@spr.doe.gov
Golden, CO	Ricky Newton	(303) 275-4718	ricky.newton@go.doe.gov
NNSA-Headquarters	MaryAnn Fresco	(202) 586-8253	Maryann.fresco@nnsa.doe.gov
	Linda Delong	(202) 586-2531	Linda.Delong@nnsa.doe.gov

APPENDIX B

Employee Concerns Program Field Office Websites

In addition to the contact information in Appendix A, some of the offices, including DOE HQ, can be accessed through the internet. ED is working to improve its website by making it more user friendly and adding links to the websites listed below. Ultimately, it is our goal to connect all of the field programs with Headquarters electronically.

<u>Field Offices</u>	<u>Web Address</u>
HQ ED-4	http://employeeconcerns.doe.gov
Albuquerque	http://www.doeal.gov/mrd/concerns.htm
Los Alamos National Laboratory	http://www.lanl.gov/orgs/ombuds/index.html
Richland	http://www.hanford.gov/doe/empcom
Savannah River	http://sro.srs.gov/employee.htm

Field Office Facilities

Field Office

Albuquerque

Facilities

Energy Technology Engineering Center, Canoga Park, CA
Ernest Orlando Lawrence Berkeley National Laboratory, Berkeley, CA
Grand Junction Project Office, Grand Junction, CO
Inhalation Toxicology Research Int., Albuquerque, NM
Kansas City Plant, Kansas City, MO
Lawrence Livermore National Laboratory, Livermore, CA
Los Alamos National Laboratory, Los Alamos, NM
Pinellas Plant, Largo, FL
Pantex Plant, Amarillo, TX
Sandia National Laboratory, Albuquerque, NM
Stanford Linear Accelerator Center, Menlo Park, CA
Waste Isolation Pilot Project, Carlsbad, NM

Chicago

Ames Laboratory, Ames, IA
Argonne National Laboratory-East, Argonne, IL
Argonne National Laboratory-West, Idaho Falls, ID
Brookhaven National Laboratory, Upton, NY
Environmental Measurement Laboratory, New York, NY
Fermi National Accelerator Laboratory, Batavia, NY
New Brunswick Laboratory, Argonne, IL
Princeton Plasma Physics Laboratory, Princeton, NJ

Idaho

Idaho Chemical Processing Plant, Idaho Falls, ID
Idaho National Engineering Laboratory, Idaho Falls, ID
INEL Research Center, Idaho Falls, ID
Radioactive Waste Management Complex, Idaho Falls, ID
SMC Project, Idaho Falls, ID
Test Area North, Idaho Falls, ID
Test Reactor Area, Idaho Falls, ID
Waste Reduction Operations Complex, Idaho Falls, ID

Nevada

Amador Valley Operations, Livermore, CA
Los Alamos Operations, Los Alamos, NM
Nevada Test Site, Nye County, NV
North Las Vegas Facilities, North Las Vegas, NV
Remote Sensory Laboratory, Las Vegas, NV
Washington Aerial Measurements, Andrews AFB, VA

Ohio

Ashtabula Environmental Management Project, Ashtabula, OH
Columbus Environmental Management Project, Dublin, OH
Fernald Environmental Management Project, Cincinnati, OH
Miamisburg Environmental Management Project, Miamisburg, OH
West Valley Demonstration Project, West Valley, NY

Field Office Facilities (cont'd)

Field Office

Oak Ridge

Facilities

K-25 Site, Oak Ridge, TN

Oak Ridge Institute of Science and Education, Oak Ridge, TN

Oak Ridge National Laboratory, Oak Ridge, TN

Paducah Gaseous Diffusion Plant, Paducah, KY

Portsmouth Gaseous Diffusion Plant, Piketon, OH

Thomas Jefferson National Accelerator Facility,
Newport News, VA

Weldon Spring Site, St. Charles, MO

Y-12 Plant, Oak Ridge, TN

Richland

Hanford Site, Richland, WA

Pacific Northwest National Laboratory, Richland, WA

Rocky Flats

Rocky Flats Environmental Technology Site, Rocky Flats, CO

Savannah River

Savannah River Site, Aiken, SC

Savannah River National Laboratory, Aiken, SC

SPRO

SPRO, New Orleans, LA